IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15160 of 2004

Between:

Mohd Saleemuddin S/o Mohd Mohinuddin
Decan Platter Restaurant No. 8-3-252/1, Yousufguda,
Hyderabad

..... PETITIONER

AND

1 The Chief Medical Officer, of Health MCH, Tank Bund,
Hyderabad
2 The Assistant Medical Officer of Health, Circle No.5 MCH
Khairtabad, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in making high handed and illegal attempts to close the Hotel business of the petitioner being run under the name and style of Deccan Platter Restaurant" at Premises bearing municipal No. 8-3-252/1, situated at Yousufguda, Hyderabad,in purusnance of the impugned notice bearing Nos. 2359/H2/H/CV/MCH/2004/2452, dt 18-8-2004 and No. 2477/H/CV/MCH/2004, 20-08-2004 as illegal, arbitrary and consequently set a side the said notice dt 18-08-2004 and 20-8-2004

Counsel for the Petitioner: MR.P.SHIV KUMAR

Counsel for the Respondents: SMT.G.JYOTHI KIRAN

The Court made the following ORDER:

The petitioner was called upon to show cause as to why the provisional licence granted to him for conducting trade shall not be cancelled. The petitioner submitted his explanation on 22.08.2004 to the said show cause notice. But, before passing any order in pursuance of the explanation submitted by the petitioner, the petitioner had approached this Court by way of the present writ petition.

The learned counsel for the petitioner contends that the respondents-officials visited the hotel premises on 23.08.2004 and called upon the petitioner to close down the hotel immediately.

In view of the judgment of the Apex Court in **Executive Engineer, Bihar State Board v. Ramesh Kumar Singh and others** and a judgment of this Court in **Special Officer, Urban Land Ceilings, Hyderabad and others v. M. Vijayalakshmi and others,** it is now well settled that writ petition against a show cause notice cannot be entertained. However, the respondents are under an obligation to consider and pass appropriate orders in the matter in accordance with law and they cannot close down the hotel before passing any such final orders.

Subject to above observation, the writ petition is dismissed. No costs.

A.Gopal Reddy, J

Date: 25.08.2004

Note: Furnish CC in 2 days

B/o

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To

1 The Chief Medical Officer, of Health MCH, Tank Bund, Hyderabad
2 The Assistant Medical Officer of Health, Circle No.5 MCH Khairtabad, Hyderabad

3 Two CD Copies